# PASSAIC VALLEY SEWERAGE COMMISSIONERS APPLICATION FOR A SEWER USE PERMIT

#### **SECTION A**

1. Company Name: Jersey City Medical Center

2. Permit Number if applicable: <u>N/A</u>

3. Location: 355 Grand Street

Jersey City, New Jersey Zip Code: <u>07302</u>

4. Mailing Address: <u>355 Grand Street</u>

<u>Jersey City, New Jersey</u> Zip Code: <u>07302</u>

5. Person to contact concerning information provided in this application:

Name of Contact Official: George Doumar

Title: Director of Engineering Phone Number: (201) 915-2123

Address: 355 Grand Street, Jersey City, New Jersey Zip Code: 07302

6. Number of Employees – Full Time: 1500 Part Time: 500

Number of Work Days Per Year: 365

Number of Shifts Per Day:  $\underline{3}$ 

7. If property is owned indicate block and lot number(s): Block 60, Lot A.6

Assessed Value: \$175,000,000

8. If property is rented indicate name and address of owner:  $\underline{N/A}$ 

Total square feet rented: N/A

9. List NJPDES Permit Number if applicable: N/A and

Name of receiving Body of Water entered: N/A

### **SECTION B**

#### **WATER DATA**

10. Water Source: (Circle all appropriate answers)

Purchased

Well River

If Y, is it metered

If Y, is it metered

11. Name of purchased water supplier:

United Water MUA

List all Account #'s:

62646917; 59292185; and 61384664

12. Water Received: From Mo. 6 Yr. 2004 Through Mo. 5 Yr. 2005 (\*Next to a figure means it is estimated)

	PURCHASED	WELL	RIVER	TOTAL
1st Qtr.	3,550,000*			3,550,000*
2nd Qtr.	3,550,000*			3,550,000*
3rd Qtr.	3,550,000*			3,550,000*
4th Qtr.	3,550,000*			3,550,000*

**GRAND TOTAL** 

14,200,000\* Report in gallons

13. Water Use and Disposition (\*Next to a figure means it is estimated).

	Gallons Sanitary/Combined Sewer	Discharged Stormwater/River/ Ditch	Gallons Used Other
Sanitary service only	10,000,000*		
Process waste water	3,490,000*		
Cooling Water			
Evaporation			710,000*
Contained in the product			
Other (describe)			

14,200,000\* **GRAND TOTAL** 

#### **SECTION B (continued)**

14. Process wastewater which is discharged as above is metered as follows:

To the Separate Sanitary Sewer To the Combined River To the Storm Sewer River or Ditch

Y – (1) Y – (1) Y – (1) V – (1)

15. Waste hauler information: List all firms and/or independent contractors used to remove process waste or sludge from this facility.

Contractor	Address	Icc #	Waste Type Handled
Waste Management	Kearny, NJ		Garbage/Recyclables
Waste Management	Kearny, NJ		Medical Waste

# **SECTION C**

# **OPERATIONAL CHARACTERISTICS**

16.	Discharge of Industrial Waste is or intermittent N/A each of If the discharge is intermittent, it	perating day.	24 hrs/day the following hours:	N/A
17.	Brief description of Manufacturin	ng or other activ	ity performed: <u>Hospita</u>	al - Healthcare
	List SIC CODE #: <u>8062</u>			
18.	Principal Raw Materials used:	<u>N/A</u>		
19.	Principal Products or Services:	Healthcare Ser	vices	

			significant, givir n affect waste ch			es, rates, hours, <u>N/A</u>	etc. Include				
	Does this facility shutdown for vacation(s)? No If so, is it basically the same time each year. $N/A$ Provide dates usually shutdown $N/A$										
			SECTI	ON D							
MONIT	<u>ORING</u>										
21. Describe	any preti	reatment proce	ess or effluent m	onitor	ing syster	n in use:					
Outlet	<u>N/A</u>				-						
Outlet	<u>N/A</u>				-						
Outlet	<u>N/A</u>				_						
22. Samplin	g informa	tion:									
Out	let	Contain	s Industrial Wa	aste	Sam	oler Type	Refrigerated				
1			Yes			Motor 800SL	Yes				
23. Volume	Informati	ion:									
	Outlet		Daily Flow (Gallons)		etered ( – N)	Туре	Date				
1			6200		N	N/A	N/A				
	<u> </u>										
24. Frequen	cy of cali	bration of eac	h flow meter:	<u>N/A</u>							

### **SECTION D (continued)**

# 25. Attach plot plan of the property showing: See Attached

- (a) All existing or proposed sewer and drain lines (including outlets to a storm sewer, river or ditch);
- (b) Sample point(s); Monitoring or Pretreatment Equipment; Incoming meter(s); Well meter(s); Internal meter(s); Flowmeter(s);
- (c) Details of the connection(s) to the municipal (or PVSC) sewer, including the distance and direction of each connection from the nearest street intersection.

# **SECTION E**

#### **ANALYSIS OF INDUSTRIAL WASTE**

26. Analysis for Industrial Waste must be a proper sample taken for each outlet.

OUTLET NO. 1 - Analysis to be Provided by July 15, 2005

Report	to the nearest unit: XX			the nearest hundredth: 0.XX	
Except	where indicated with (1) Examp	ole: 15	Except wh	nere indicated Example: 0.36	mg/l
mg/l					T
Code	Parameter	Value	Code	Parameter	Value
0200*	Radioactivity (PL-1)		1097*	Antimony (Sb)	
0500	Total Solids		1002*	Arsenic (As)	
0505	Volatile Solids		1022*	Boron (B)	
0530	Total Suspended Solids		1027	Cadmium (Cd)	
0540	Volatile Suspended Solids		1034*	Chromium Total (Cr)	
0555	(1)(3) Petroleum Hydrocarbons		1042	Copper (Cu)	
0310	Biochemical Oxygen Demand		1045*	Iron (Fe)	
	(BOD)		1051	Lead (Pb)	
	Chemical Oxygen Demand		0720*(3)	Cyanide (Cn)	
0340	(COD)		1900	Mercury (Report to 0.XXX)	
0.500	T 110 (TOC)		1067	Nickel (Ni)	
0680	Total Organic Carbon (TOC)		1147*	Selenium (Se)	
9000	pH (standard unit range)		1077*	Silver (Ag)	
0610	(1) Ammonia as N		1102*	Tin (Sn)	
0550	(1)(3) Total Oil & Grease		1092	Zinc (Zn)	
0745*	(1) Sulfide		2730	Phenol	
0507*	(1) Ortho Phosphates as P		4053*	Pesticides (Report to 0.XXX)	
0625*	(1) Kjeldahl N as N		4033	resticites (report to 0.222x)	
9998*	(2)(3) TTO (Report to 0.XXX)		9999*(3)	TTVO (Report to 0.XXX)	

#### Footnotes:

(1) Report results to the nearest tenth (i.e., 1.6 mg/l)
(\*) Analyze for this if reasonably expected to be present in the discharge unless otherwise exempted.

(2) See instructions

(3) Grab sample required

Rev: 1/87 8/89 7/90 9/94 8/95 11/95 07/98

# **SECTION E (continued)**

Samples collected by: $\underline{\mathtt{E}}$	nviro-Sciences (of Delaw	are), Inc.		
			Date:	by July 15, 2005
Sample analyzed by: <u>I</u> 273 Franklin Road, Rar	ntegrated Analytcal Labor dolph, NJ 07869	<u>atories</u>	Date:	<u>by July 15, 2005</u>
Products being manufac	tured when sample was co	ollected: <u>N/A</u>		
27. Who performs the a	nalyses of the samples for	· User Charge?	<u>N/A</u>	
28. Is the Laboratory ce	rtified by the NJDEP to co	onduct all the ana	lyses?	Y-N <u>Yes</u>
29. Who performs the a N/A	nalyses of the samples for	the Pretreatment	Parame	eters?
If monitoring has no unknown, so state:	ot commenced for Pretreat	tment, indicate La	borator	y you plant to use. If
<u>N/A</u>				
30. Is the Laboratory con $Y - N = \frac{Y}{2}$	ertified by NJDEP to cond	uct all the require	d Pretre	eatment analyses?
31. Based upon knowle box that best descri present in your disc	dge of materials and proce bes the potential that a Pri harge.	esses used at this ority Pollutant, lis	facility sted on	check the appropriate Tables 1, 2 & 3 is

# **SECTION F**

PR	RETREATMENT	
32.	Industrial Category:	<u>Healthcare</u>
	Subpart (s):	
33.	Compliance date(s):	<u>N/A</u>
34.	Is facility compliance? being taken to get into con	N/A If not, and if compliance date has passed, explain actions mpliance:
35.	 . Date Baseline Monitoring	Report (BMR) submitted to PVSC: <u>N/A</u>
36.	. Compliance schedule sub	mitted: <u>N/A</u>
	If yes is facility on schedu	le? <u>N/A</u> Explain if compliance date will not be met:
37.	. Does this facility come ur	der the Resource Conservation and Recovery Act (RCRA)?
	If yes, describe No	
38.	. Does this facility have a S	pill Prevention Control and Countermeasures (SPCC) plan?
	If yes, describe N/A	
39.		cited this facility for a violation of State or Federal Regulations for er discharge? $Y-N$ No
40.	. Is this facility under an IS NJDEP:	RA Clean Up? No If so, has a plan been approved by
	Is there any plan to dischange No.	arge groundwater?

#### **CERTIFICATION\*:**

The information contained in this application is familiar to me and, to the best of my knowledge and belief, such information is true, complete and accurate.

If the applicant is a corporation, a corporate resolution is attached granting me the authority to sign the application on behalf of the corporation.

Name of signing official:

Print Name

Title:

Director of Engineering for Jersey City Medical Center

Date

- \* APPLICATION MUST BE SIGNED BY ONE OF THE FOLLOWING:
  - a. Principal Officer of Corporation
  - b. President or Owner of Company
  - c. General Partner if a Partnership
  - d. Plant Manager or Authorized Representative

# **TO BE COMPLETED BY JULY 15, 2005**

Name	A	В	C	D	NAME	A	В	C	D
Acenaphthene					2,4 dimethyphenol				
acrolein					2,4 dinitrotoluene				
acrylonitrile					2,6 dinitrotoluene				
benzene					1,2 diphenylhydrazine				
benzidine					ethylbenzene				
carbon tetrachloride					fluoranthene				
(tetrachloromethane)			🖳		4-chlorophenyl phenyl ether				
chlorobenzene					4-bromophenyl phenyl ether				
1,2,4-trichchlorobenzene					bis(2-chlorosispropyl) ether				
hexachlorobenzene					bis(2-chloroethoxy) methane				
1,2 dichloroethane					methylene chloride			П	
1,1,1 trichlorethane					(dichloromethane)				
hexachloroethane					methyl chloride (chloromethane)	П		П	
1,1 dichloroethane					methyl emorate (emoraticatalis)				
1,1,2 trichloroethane					methyl bromide (bromomethane)			П	
1,1,2,2 tetrachloroethane					menyi biomae (biomomonamo)				
chlorethane					bromoform (tribomomethane)				
bis(chloromethyl) ether					dichlorobromomethane				
Bis(2 chlorethyl) ether					trichlorofluoromethane				
2-chloroethyl vinyl ether mixed					dichclorodifuoromethane				
2-chloronaphthalene					chlorodibromomethane				
2,4,6 trichlorophenol					hexachlorobutadiene				
parachlorometa cresol					dexachlorocyclopentadiene	$\perp \square$			
chloroform (trichloromethane)					isophorone				
2 chlorophenol					naphthalene				
1,2 dichlorobenzene					nitrobenzene				
1,3 dichlorobenzene					2-nitorophenol				
1,4 dichlorobenzene					4-nitorophenol				
3,3 dichlorobenzidine					2,4-dinitrophenol				
1,1 dichloroethylene					4,6 dinitro-o cresol				
1,2 trans-dichloroethylene					N-nitrosodimethylamine				
2,4 dichlorophenol					N-nitrosodiphenlamine				
1,2 dichloropropane					N-nitorosid-n-proplyamine				
1,3 dichloropropylene					pentachlorophenol				
(1,3 dichlor propene)					phenol				

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECT TO BE ABSENT

# **TO BE COMPLETED BY JULY 15, 2005**

Name	A	В	C	D	NAME	A B C D
bis(2-ethylhexyl) phthalate					endrin	
butylbenzylphthlate					endring aldahyde	
di-n-butyphthalate					heptachlore	
di-n-octylphthalate					heptachlore (epoxide)	
diethylphthalate					BHC Alpha	
dimethylphthalate					BHC Beta	
benzo(a)anthracene					BHC Gamma	
benzo(a)pyrene					BHC Delta	
3,4 benzofluoranthene					PCB1242	
benzo(k) fluoranthene					PCB1254	
chrysene					PCB1221	
acenaphthylene					PCB1232	
anthracene					PCB1248	
benzo(ghi)perylene					PCB1260	
fluorene					PCB1016	
phenanthrene					toxaphene	
dibenzo (a,h) anthracene					antimony (total)	
indeno (1,2,3-c,d) pyrene					arsenic (total)	
pyrene					asbestos (fibrous)	
tetrachloroethylene					beryllium (total	
toluene					cadmium (total)	
trichloroethylene					chromium (total)	
vinyl chloride					copper (total)	
aldrin					cyanide (total)	
dieldrin					lead (total)	
chlordane					mercury (total)	
4,4 DDT					nickel (total)	
4,4 DDE					selenium (total)	
4,4 DDD					silver (total)	
endosulfan 1					thallium (total)	
endosulfan 11					zinc (total)	
endosulfan sulfate					2,3,7,8 tetrachlorodibenzo	
					p-dioxin	

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECT TO BE ABSENT

# **TO BE COMPLETED BY JULY 15, 2005**

Name	A	В	C	D	NAME	A	В	C	D
acrylamide					n,n-dimethyl aniline				
amitrole					3,3-dimethyl benzidine				
amyl alcohols					1,1-dimethylhydrazine				
anilne hydrochloride					dioxane				
anisole					diphynylamine				
auramine					ethylenimine				
benzotrichloride					hydrazine				
benzylamine					4,4-methylene bis				
					(2-chloraniline)				
o-chloroaniline					4,4-methylenedianiline				
m-chloroaniline					methyl isobutyl ketone				
p-chloroaniline					alpha-naphthylamine				
1-chloro-2-nitrobenzene					beta-naphthylamine				
1-chloro-4-nitrobenzene					n-methylaniline				
chloroprene					1,2-phenylenediamine				
chrysoidine					1,3-phenylenediamine				
cumene					1,4-phenylenediamine				
2,3-dichloroaniline					sudan 1 (solvent yellow 14)				
2,4-dichloroaniline					thiorurea				
2,5-dichloroaniline					toluene sulfonic acids				
3,4-dichloroaniline					toluidines				
3,5-dichloroaniline					xylidines				
1,3-dichloroaniline									
1,3-dimethoxybenzidine									

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECT TO BE ABSENT

# **TO BE COMPLETED BY JULY 15, 2005**

Name	A	В	C	D	NAME	A	В	C	D
acetaldehyde					isopropanolamine				
allyl alcohol					kelthane				
allyl chloride					kepone				
amyl acetate					malathion				
aniline					mercaptodimethur				
benzonitrile					methoxychlor				
benzyl chloride					methyl mercaptan				
butyl acetate					methyl methcrylate				
butylamine					methyl parathion				
captan					mevinphos				
carbaryl					mexacarbate				
carbofuran					monoethylamine				
carbon disulfide					monomethylamine				
chlorpyrifos					naled				
coumaphos					napthenic acid				
cresol					nitrotoluene				
crotonaldehyde					paration				
cyclohexane					phenolsulfanate				
2,4-D (2,4-dichlorophenoxy)					phosgene				
acetic acid					propagrite				
diazinon					propylene oxide				
dicamba					pyrethrins				
dichlobenil					quinoline				
dichlone					resorcinol				
2,2-dichloropropionic acid					strontium				
dichlorvos					strychnine				
diethylamine					styrene				
dimethylamine					2,4,5-T (2,4,5-trichloro-phenoxy acetic acid)				
					TDE (tetrachloro-diphenylethane)				
dinitrobenzene					2,4,5-TP 2 (2,4,5-trichlorphenoxy)				
diquat					trichlorofon			$ \Box$	$\downarrow \square$
disulfoton					triethylamine				
diuron					trimethylamine				
epichlorohydrin					propanoic acid				

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECT TO BE ABSENT

# **TO BE COMPLETED BY JULY 15, 2005**

Name	A	В	C	D	NAME	A	В	C	D
ethanolamine					uranium				
ethion					vanadium				
ethylene diamine					vinyl acetate				
ethylene dibromide					xylene				
formaldehyde					xylenol				
furfural					zirconium				
guthion									
isoprene									

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECT TO BE ABSENT

# Supplemental Sewer Use Application Questionnaire

The following questionnaire must be completed and submitted by all industrial and tax-exempt users making application for a SEWER USE PERMIT. The purpose of this questionnaire is to identify the correct name and address of the applicant and all individuals and entities owning 10% ore more of the applicant. This will assist the PVSC by providing necessary information for service of notices, bills and other documents upon the applicant, for service of process as well as the individual to be contacted in the event of an emergency.

BY SIGNING THIS APPLICATION THE APPLICANT IS ACKNOWLEDGING ITS CONTINUING OBLIGATION TO UPDATE THE INFORMATION CONTAINED IN THIS QUESTIONNAIRE. SPECIFICALLY THE APPLICANT UNDERSTANDS THAT IT SHALL NOTIFY THE PVSC WITHIN THIRTY (30) DAYS OF ITS ENTERING INTO A CONTRACT OR AGREEMENT TO TRANSFER ITS CAPITAL STOCK AND/OR 50% OR MORE OF ITS ASSETS. THE APPLICANT SHALL LIKEWISE INFORM THE PVSC, ON A CONTINUING BASIS, OF ALL INDIVIDUALS OR ENTITIES OWNING 10% OR MORE OF THE CAPITAL STOCK OR ASSETS OF THE CORPORATION AND ANY INDIVIDUAL OR ENTITY TO RECEIVE MORE THAN 10% OF THE NET PROFITS OF THE APPLICANT.

FAILURE TO NOTIFY THE PVSC OF ANY CHANGES IN THE CORPORATE STRUCTURE, OWNERSHIP OR PLANNED TRANSFER OF OWNERSHIP WITHIN 15 DAYS OF ITS OCCURRENCE SHALL BE DEEMED A VIOLATION OF THE SEWER USE PERMIT, THE RULES AND REGULATIONS OF THE PVSC N.J.S.A. 58:14-1 et. seq.

#### SECTION ONE

(To be completed by all applicants)

NAME OF APPLICANT: State the complete name of the organization applying for a SEWER USE PERMIT ("Permit"), as it appears on the certificate of incorporation, charter, by-laws, partnership agreement, trust or other official document which establishes the name of the applicant (if no such document exists, state the name the business uses):

Jersey Ciry Medical Center Name of Applicant

TRADE NAME: Identify all trade names, names under which the applicant will be doing or soliciting business and/or fictitious names that the organization will utilize at the location(s) for which this Permit application is made.

Liberty Health Jeesey Ciry Medical Center Trade Name/Fictitious Name

10N-22-04 12:51PM FROM-

BUSINESS ORGANIZAT	IION: Please check the app	ropriate box
Sole Proprietorship Partnership Limited Partnership Corporation Other (describe)	Non-F	Venture Profit Corporation ed Liability Company
EMERGENCY CONTAC	CT PERSON: In the event of an emerge person(s) the PVSC can contact:	gency, provide the name, address
Name:	George Doumar	
Street Address:	355 Grand Street	<del>\</del>
City, State, & Zip Code:  Business Telephone:	<u>Jersey</u> City, N. J. (201)915-2123 Emergency To	©7302 (201)915-2045 elephone:(609)538-8912
PAST NAMES OF APPLI	ICANT: List all names under which the	ne applicant has done business
or held itself out to the publ "trading as," "doing busines  Name	ic as doing business in the past. Includes as," fictitious, or informal names.  From (Year)	e names of division, and  To (Year)
"trading as," "doing busines <u>Name</u>	ic as doing business in the past. Includes as," fictitious, or informal names.  From (Year)	e names of division, and <u>To (Year)</u>
"trading as," "doing busines <u>Name</u>	ic as doing business in the past. Includes as," fictitious, or informal names.	e names of division, and
"trading as," "doing busines <u>Name</u>	ic as doing business in the past. Includes as," fictitious, or informal names.  From (Year)	e names of division, and <u>To (Year)</u>
Name  Name  Texasy City MeS  APPLICATION'S FORM office, in the State of New Judiciness, and any location at	ic as doing business in the past. Includes as," fictitious, or informal names.  From (Year)  LCA Center 1988  ER FACILITIES IN NEW JERSEY, ersey at which the applicant formerly of twhich such a business was owned or deer, partner, director, officer, key employed.	To (Year)  PRESENT  List all locations, including perated any aspect of its operated by any predecessor of
Name  Name	ic as doing business in the past. Includes as," fictitious, or informal names.  From (Year)  LCA Center 1988  ER FACILITIES IN NEW JERSEY, ersey at which the applicant formerly of twhich such a business was owned or deer, partner, director, officer, key employed.	To (Year)  PRESENT  List all locations, including perated any aspect of its operated by any predecessor of

JUN-22-04 12:51PM FROM-

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APPLICANTS FACILITIES IN OTHER JURISDICTIONS. List all locations in any state, including offices, districts or territory of the United States other than New Jersey, or in any foreign country, at which the applicant is currently operating any aspect of its business.

		- , ,	
Address 1	Telephone	Type of Facility	USEPA I.D. and/or any permits (nos. and name of issuing agency)
$=$ $^{n}/H$			· · · · · · · · · · · · · · · · · · ·
	SECTIO	N TWO	
(To be completed only	y by Corporation	ns and Limite	d Liability Companies)
REGISTERED AGENT: Identif	y the name and	address of the	e Corporation's Registered Agent:
Name:			
Street Address:			
City, State, & Zip Code:	<del>-</del>		
Telephone:			
DATE AND PLACE OF INCOR corporation/LLC was organized an was filed:	PORATION/F d the date on wh	ORMATION	N: Identify the state where the ficate of Incorporation/Formation
State/County:	Nen	Jeese	4/
Date:	1/9	12	
Certificate of Incorporation No.:		-	
Copy of certificate of incorporation	attached?	Yes	No
DATE AUTHORIZED IN NEW the date on which the corporation/L New Jersey (and attach copy).	JERSEY: If ot LC received a (	her than a Ne Certificate of	ew Jersey corporation/LLC, state Authority to Transact Business in
Date:	<del>_</del>	W/B	

10N-22-04 12:52PM FROM-

OFFICERS. List the following information as to each Officer of the Corporation. Use additional copies of this section as necessary.
Name: Jonathan Metsch Telephone:
Business Address: 355 Grand St, Dersey City, N.J. 07302
Office President Office 1989 Date of Birth
<u> </u>
Name: Steve Kieby Telephone:
Business Address: 355 Grans St. Jersey City. NJ. 07302
Office EVP Date took Held Office 2002 Birth
DIRECTORS. List the following information as to each Director of the Corporation. Use additional copies of this section as necessary.
Name: Thomas MACEWEN Telephone: (201) 915-2001
Business Address: 355 Grand St. Jersey City, N. J. 07302
Office SYP Date took Date of Birth
Name: Jin Hogle Telephone: (201) 915-2999
Business Address: 355 Grand Street, Jersey City, N.J. 07302
Office P Date took Date of Birth

FORMER OFFICERS AN who was an Officer or Directisted in the responses above	ctor of the	corporation at any tim	wing information as to each person e during the last 10 years and is not section, as necessary.
Name and last known add	ress: K	tren O'Kecf	و
Position Held	From	To (month/year)	Date of Birth
		SECTION THREE	
(To be complet	ed only by	Corporation and Limi	ted Liability Companies)
List all persons and/or entiti interest in the Applicant alorsection as necessary.	es holding ng with the	a 10% or greater owner addresses and telepho	ership, equity, beneficial or other one #. Use additional copies of this
Name:		. 111	
Street Address:			
City, State, & Zip Code:		T   H	Bus. Phone:
Name:	F		
Street Address:			
City, State, & Zip Code:	*19.000	В	sus. Phone:
If any of the persons and/or of for each such corporation pro	entities list ovide all in	ed above is a corporati formation requested in	ion or Limited Liability Corporation,  Section Two of this Questionnaire.
•		SECTION FOUR	
(To be o	completed	only by Partnerships o	r Joint Ventures)
Provide a copy of the partner	rship or joi	nt venture agreement o	of applicant.
Copy attached?	Yes	No	1 //

JUN-22-04 12:52PM FROM-

	·	$\mathcal{M}$	
TYPE OF ASSOCIATION	N: (	Check One	
General Partnership	ĺ	☐ Limited Liability ☐ Joint Venture	
partner or joint venture. Use	e additional	VENTURES. List the following information as to eal copies of this section, as necessary. If a limited ely under the heading "limited partners."	ach
Name:		. 11	
Street Address:		2/1/	
City, State, & Zip Code:			
Telephone:			
Name:	**************************************		
Street Address:			
City, State, & Zip Code:	-		
Telephone:			
LIMITED PARTNERS. L additional copies of this sec	ist the follow ti <b>on, as nec</b> o		
Name:	4) <del>400000</del>	, ) N	
Street Address:	4/ <del>800</del>		
City, State, & Zip Code:		Telephone:	
Name:			
Street Address:			
City, State, & Zip Code:	No. of Contract of	Telephone:	

27 - 28

FORMER PARTNERS/JOINT VENTURERS. List the partners (general and limited) and joint venturers of the approximate above. Use additional copies of this section, a	pplicant during the past 10 years that are
Name:	L//h
Street Address:	
City, State, & Zip Code:	Telephone:
Dates during which individual was a partner:	
Name:	
Street Address:	
City, State, & Zip Code:	Telephone:
Dates during which individual was a partner:	
If any of the persons and/or entities listed above is a corpo for each such corporation provide all information requested	ration or Limited Liability Corporation, d in Section Two of this Questionnaire.
SECTION FIVE	
(This section to be completed only if the busine form other than a sole proprietorship, corporat venture – such as a trust association)	ess concern is organized in a ion, partnership or joint
FORM OF BUSINESS ORGANIZATION: Describe hounder what legal authority t was established.	ow the business entity is organized and
Type (trust; trade association, estate; etc.)	1/
Copy attached? Yes No	

OWNERS, OFFICERS, TRUSTEES, CONTROLLING PARTIES, ETC. List the following information as to each person who owns, controls or is an officer or trustee of the Applicant. If any owner, officer, trustee, or controlling party listed below shall be a corporation, limited liability corporation, or partnership (general or limited liability), the Applicant shall supply the information requested in Sections Two, Three and Four as applicable. Use additional copies of this section, as necessary.

Name:			PH
Street Address:	<del></del>		' ' (1)
City, State, & Zip Code:		Telephone:	
Name:			
Street Address:		•	
City, State, & Zip Code:		Telephone:	

#### **SECTION SIX**

#### **CIVIL VIOLATIONS HISTORY**

(To be completed by all applicants)

The following questions concern civil violations of environmental protection laws and regulations. In this section, the term "you" refers to the applicant identified in SECTION I, and to any of the following:

- a. Any predecessor firm, or any previous name under which the applicant operated.
- b. Subsidiaries: Any business in which the applicant holds 25% of equity or debt liability.
- c. Sister companies: Any business in which the applicant's parent company holds more than 10% of the equity or debt liability.
- d. Any corporation of which the Applicant is a subsidiary.
- e. Any Officer, Director, Partner, or Joint Venturer of the applicant, and any business concern owned or controlled by any such individual.

Provide a response in each section. Each item pertains to all of the entities and individuals listed above. If an answer is None or the item is not applicable, write "None" or "N/A". A question left unanswered will not be presumed "Not Applicable" or "None" – THE FORM WILL BE DEEMED INCOMPLETE.

10N-22-04 12:53PM FROM-

As used below, the term "law or regulation pertaining to protection of the environment" includes laws and regulations relating to the discharge, treatment, storage, processing, recycling or disposal of industrial waste or hazardous waste and any others relating to water and air pollution, discharge of hazardous substances and treatment of hazardous materials. It includes regulations of the Passaic Valley Sewerage Commissioners ("PVSC"), New Jersey Department of Environmental Protection (NJDEP), the United States Environmental Protection Agency (USEPA), the New Jersey Department of Transportation (NJDOT), and the United States Department of Transportation (USDOT).

A. NEW JERSEY VIOLATIONS NOTICES. List and explain all Summonses, Notices of Violation, Notices of Prosecution, Administrative Orders and Actions, civil complaints, settlements, Judicial or Administrative Consent Orders, or Notices of Intent to Deny or Revoke any license or permit, or similar notices, issued to you within the past 10 years by the PVSC. NJDEP or USEPA. Use additional sheets, if necessary.

Name of	Date
Entity cited:	Issues:
Address of Alleged Violation:	
	Type of
Alleged violation:	notice:
Disposition & explanation:	,
Name of issuing agency:	Docket No.:
B. FEDERAL VIOLATION NOTICES. List and explain of Prosecution, Administrative Orders and Actions, civil compayou within the past 10 years by the U.S. Environmental Protect Transportation for any alleged violation of any federal law or rethe environment. Use additional copies of this section as necessarily the contraction of the contra	laints, or similar notices issued to tion Agency or U.S. Department of egulation pertaining to protection of
Name of Entity cited: <u>Teksey</u> City medical Center	Date Issues:
Address of Alleged Violation: 50 Boldwin Ave Tensey City N.J. 07204	Type of the Civil
Alleged violation:	Type of notice: CAFO
Disposition & explanation:	
Name of issuing agency: <u>EPA</u>	Docket No.: RCRA-02-2004

FROM-JUN-22-04 12:53PM

C. NEW JERSEY MUNICIPALITIES AND COUNTIL Violation, Notices of Prosecution, Administrative Orders and A Complaints, Citations of any kind, and Notices of Intent to Den any similar notices issued to you within the past 10 years by an State of New Jersey, for any alleged violation of any law or reg of the environment, other than a motor vehicle or littering offer section as necessary.	Actions, Summonses, civil by or Revoke a license or permit, or y municipality or county in the sulation pertaining to the protection
Name of	Date
Entity cited:	Issues:
Address of Alleged Violation:	
	Type of
Alleged violation:	notice:
Disposition & explanation:	
Name of issuing agency:	Docket No.:
D. OTHER STATES AND FOREIGN COUNTRIES. I Violation, Notices of Prosecution, Administrative Orders and A Complaints, Citations of any kind, and Notices of Intent to Den any similar notices issued to you within the past 10 years by any Jersey or by any foreign country, for any alleged violation of an the protection of the environment, other than a motor vehicle or copies of this section as necessary.	ctions, Summons, Civil y or Revoke a license or permit, or y state other than the State of New y law or regulation pertaining to
Name of	Date
Entity cited:	Issues:
Address of Alleged Violation:	
Alleged violation:	Type of notice:
Disposition & explanation:	
Name of issuing agency:	Docket No.:
:	

#### **SECTION SEVEN**

# OTHER CIVIL COURT JUDGMENTS AND PENDING LITIGATION

(To be completed by all applicants)

A. OTHER JUDGMENTS. List and explain all judgments of liability in excess of \$25,000 rendered against the applicant in the past 10 years, starting with the most recent. Use additional copies of this section as necessary.				
Tile of Case:	Docket No.:			
Name & location of court:	Date judgment entered:			
Nature of suit:	Amt./terms of judgment:			
B. PENDING SUITS. List and explain all civinvolved as a party, plaintiff, or defendant. Include boards. Use additional copies of this section as n	matters involving resolution before arbitration			
Tile of Case:	Docket No.:			
Name & location of court:	Date Filed:			
Nature of suit:	Status:			

JUN-22-04 12:54PM FROM-

#### **SECTION EIGHT**

# CRIMINAL CHARGES AND CONVICTIONS

(To be completed by all applicants)

PM

for any crime, felony, misdemeanor, disorderly persons offense, petty disorderly persons offense or criminal violation.

List all indictments, accusations, summonses, complaints, and information against the applicant

NOTE: You need not list convictions for any violation of Title 39 of the Revised Statues (N.J.S.A.) or comparable motor vehicle offenses in jurisdictions other than New Jersey. Death by Auto or Vehicular Homicide is considered a criminal offense and must be listed under this item.

Name of entity charged/convicted:		
Description of crime/offense charged:		
Date Charged:	Jurisdiction Where Charged:	
Indictment information,  Complaint No., Indictment No., etc.:		
Disposition (if applicable, sentence imposed):		

List convictions first. Use additional copies of this page as necessary.

#### CERTIFICATION

(All applicants must sign and date the following certification)

I hereby certify the answers supplied in the foregoing SUPPLEMENTAL SEWER USE PERMIT APPLICATION QUESTIONNAIRE are true. I am aware that if any of the foregoing responses are willfully false, I am subject to punishment.

Date:

Signature B. Hogle III

Signature

Signature

JAMES B. HOGGE III

VICE PRESIDENT OF POCILIES POD CONSTRUCTION

Print Title & Position

LIGHT PEPUL

#### CERTIFICATE OF PRESIDENT

The undersigned certifies that he is the President of Jersey City Medical Center, a New Jersey Nonprofit Corporation (the "Corporation"), and that, as such, he is authorized to execute this Certificate on behalf of the Corporation, and further certifies that the attached documents are true and correct copies of the Corporation's Restated Certificate of Incorporation and amended bylaws and that they have not been modified or rescinded in any respect and are in full force and effect on the date hereof.

Jonathan M. Metsch, Dr. P.H.

# FILED

TYCORPORATION 0CT 8 1991

RESTATED CERTIFICATE OF INCORPORATION

OF

JOAN HABERLE Secretary of State

JERSEY CITY MEDICAL CENTER,

a New Jersey Nonprofit Corporation
(formerly Jersey City Health Care Corporation,
a New Jersey nonprofit corporation)

Pursuant to the provisions of Section 15A:9-5 of the New Jersey Nonprofit Corporation Act, the undersigned Corporation adopts the following Restated Certificate of Incorporation:

FIRST: The name of the corporation is changed from Jersey City Health Care Corporation, a New Jersey nonprofit corporation to Jersey City Medical Center, a New Jersey Nonprofit Corporation (the "Corporation").

SECOND: The Corporation is organized for scientific, educational and charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and in this connection:

- (a) To maintain and operate a hospital or hospitals for the treatment and care of the sick, injured and disabled without regard to race, sex, age, creed or national origin.
- (b) To promote and carry on, by itself or together with others, directly or through other entities in which it has an interest or in which it participates, such other hospital, medical, educational and research activities related to its said purposes as the Board of Trustees may determine to be in the best interests of the general public health in the territory which it services.

- (c) To render necessary hospital care and related services to all who require such care regardless of their ability to pay.
- (d) To carry out such other acts and to undertake such other activities as may be necessary, appropriate or desirable in furtherance of or in connection with the conduct, promotion or attainment of the foregoing purposes, provided that none of such activities shall be undertaken which would cause the Corporation to lose its status as an organization described in Section 501(c)(3) of the Code, or as an organization contributions to which are deductible under Section 170(c)(2) of the Code.

THIRD: The Corporation shall have a membership of one (1) Member, which shall be Liberty HealthCare System, Inc. (the "Member"). There shall be no other members or classes of membership whatsoever.

FOURTH: The method of electing members of the Board of Trustees shall be as set forth in the Bylaws of the Corporation.

FIFTH: The address of the Corporation's current registered office is Jersey City Health Care Corporation, 50 Baldwin Avenue, Jersey City, New Jersey 07304 and the name of the Corporation's current registered agent at such address is Jonathan M. Metsch.

SIXTH: The Corporation shall have the authority to indemnify every corporate agent as defined in, and to the full extent permitted by Section 15A:3-4 of the New Jersey Nonprofit Corporation Act, and to the full extent otherwise permitted by law.

SEVENTH: A Trustee or Officer of the Corporation shall not be personally liable to the Corporation or its Member for damages for breach of any duty owed to the Corporation or its Member; provided, however, that this shall not relieve a Trustee or Officer from liability for any breach of duty based upon an act or omission (i) in breach of such person's duty of loyalty to the Corporation or its Member, (ii) not in good faith or involving a knowing violation of law, or (iii) resulting in receipt by such person of an improper personal benefit.

EIGHTH: The Board of Trustees ("Board of Trustees" or "Board") shall consist of not less than thirteen (13) nor more than seventeen (17) persons, the precise number of which shall be determined by the Member. The names and addresses of the persons who are currently serving as Trustees are set forth on Exhibit "A".

NINTH: No Trustee or officer of the Corporation or other individual shall as such receive or become entitled to receive at any time any part of the net earnings or other net income of the Corporation, nor shall any part of the net earnings of the Corporation inure to the benefit of any person, except as reasonable compensation for services rendered and reimbursement for expenses incurred in conducting its affairs and carrying out its purposes, nor shall the Corporation carry on propaganda or otherwise attempt to influence legislation, nor shall the Corporation participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

TENTH: The Corporation shall at all times conduct its affairs so as not to be classified as a private foundation under Section 509 of the Code. If, for any reason, the Corporation is classified as a private foundation within the meaning of Section 509 of the Code:

- (a) The Corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code, or corresponding provisions of any subsequent Federal tax laws.
- (b) The Corporation shall not engage in any act of self-dealing as defined in Section 4941(d) of the Code.
- (c) The Corporation shall not retain any excess business holdings as defined in Section 4943(c) of the Code.
- (d) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Code.
- (e) The Corporation shall not make any taxable expenditures as defined in Section 4945(d) of the Code.

ELEVENTH: Upon the dissolution, liquidation, termination or winding up of the Corporation, whether voluntary, involuntary or by operation of law, the property and assets of the Corporation shall be applied to the payment of all of its just liabilities and debts. Thereafter, the remaining property and assets of the Corporation shall be distributed entirely to Liberty HealthCare System, Inc., provided that at such time said organization shall be organized and operated exclusively for charitable, educational, religious or

scientific purposes so as to qualify as exempt from Federal income taxation under Section 501(c)(3) of the Code. In the event that this condition is not met, the remaining property and assets of the Corporation shall be distributed entirely to one or more organizations selected by the Board of Trustees, which are organized and operated exclusively for charitable, educational, religious or scientific purposes so as to qualify at that time as exempt from Federal income taxation under Section 501(c)(3) of the Code, or to the Federal government, or to the State or local government, for a public purpose. Any such property and assets not so disposed of shall be distributed by any court of competent jurisdiction in the State of New Jersey to a charitable organization that qualifies under Section 501(c)(3) of the Code to be used in such manner as in the judgment of the court will best accomplish the general purposes for which the Corporation was organized. In no event will any part of the Corporation's property or assets be distributed to any Trustee or Officer of the Corporation or to any other individual.

TWELFTH: Any reference herein to specific provisions of the laws of the State of New Jersey or the Internal Revenue Code of 1986, as amended, shall be construed to include subsequent amendments to such provisions and to include corresponding provisions of subsequent legislation which may restate, supersede or otherwise alter such provisions.

THIRTEENTH: The revised Bylaws of the Corporation, as approved by the Member, shall be adopted by the Board of Trustees at a regular or special meeting. Thereafter, no new Bylaws shall

be made, nor any Bylaws altered or repealed, except by the Member.

POURTEENTH: This Restated Certificate of Incorporation may not be amended, except by the Member.

IN WITNESS WHEREOF, the undersigned has signed this Restated Certificate of Incorporation on this god day of Office , 1991.

JERSEY CITY MEDICAL CENTER, a New Jersey Nonprofit Corporation (formerly Jersey City Health Care Corporation, a New Jarsey nonprofit corporation)

By:

Jonathan M. Metsch, President and Chief Executive Officer

#### CERTIFICATE OF PRESIDENT

The undersigned certifies that he is the President of Jersey City Medical Center, a New Jersey Nonprofit Corporation (the "Corporation"), and that, as such, he is authorized to execute this Certificate on behalf of the Corporation, and further certifies that the attached documents are true and correct copies of the Corporation's Restated Certificate of Incorporation and amended bylaws and that they have not been modified or rescinded in any respect and are in full force and effect on the date hereof.

Jonathan M. Metsch, Dr. P.H.



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

July 29, 2004

Mr. James Bernhardt Hogle III Vice President, Facilities & Construction Jersey City Medical Center 50 Baldwin Avenue Surgical Building-5th Floor Jersey City, New Jersey 07304

Re: <u>Docket No. RCRA - 02-2004-7107</u>

Dear Mr. Hogle:

I enclose a copy of a fully executed document resolving the above-referenced action.

Thank you for your cooperation in this matter.

Sincerely,

Amy R. Chester

Assistant Regional Counsel

212 637-3213

Enclosure

## **EXECUTIVE CORRESPONDENCE**

DO NOT WRITE ON THIS COVER AS IT IS INTENDED FOR RE-USE RETURN IT WITH THE FILE COPIES TO ORIGINATING OFFICE

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2

In the Matter of:

Jersey City Medical Center 50 Baldwin Avenue Jersey City, NJ 07304

Respondent.

Proceeding Under Sections 3008 of the Solid Waste Disposal Act, as amended.

CONSENT AGREEMENT AND FINAL ORDER

Docket No. RCRA - 02-2004-7107

### PRELIMINARY STATEMENT

This civil administrative proceeding was instituted pursuant to Sections 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 United States Code (U.S.C.) §§ 6901-6991 (together hereafter the "Act" or "RCRA").

The Complainant in this proceeding, Dore LaPosta, the Director of the Division of Enforcement and Compliance Assistance, Region 2 EPA, has been duly delegated the authority to institute and carry forward this proceeding.

The Respondent is the Jersey City Medical Center ("JCMC" or "Respondent"). The JCMC facility was located at or near 50 Baldwin Avenue, Jersey City, New Jersey 07304 during the time periods referenced herein.

Pursuant to Section 3006(b) of the Act, 42 U.S.C. § 6926(b), the State of New Jersey was

authorized by EPA to conduct a hazardous waste program (the "authorized State Program"). 64 Fed. Reg. 41823 (Aug. 2, 1999). There were later changes in the scope of the authorized State Program as a result of EPA's authorization of New Jersey's regulations incorporating by reference changes to the federal program promulgated by EPA between July 2, 1993 and July 31, 1998. 67 Fed. Reg. 76995 (Dec. 16, 2002). These changes became effective February 14, 2003. Prior to February 14, 2003, the authorized State Program incorporated by reference, with some modifications, the regulations in the federal program at 40 Code of Federal Regulations (C.F.R.) Parts 124, 260-266, 268 and 270 as set forth in the 1993 edition. As of February 14, 2003, the authorized State Program, with some modifications, essentially incorporates by reference the regulations in the 1998 edition of the same Parts of Title 40 of the C.F.R.. New Jersey's authorized regulations comprising the original State Program, authorized in 1999, can be found in the New Jersey Register. See 28 N.J.R. 4606 (Oct. 21, 1996). The New Jersey regulations authorized in 2002 can be found at 31 N.J.R. 166 (Jan. 19, 1999). New Jersey is not authorized for any HSWA regulations adopted by EPA after July 31, 1998. EPA is authorized to enforce the provisions of the authorized State Program. Consequently, EPA has retained its authority to enforce the New Jersey regulations comprising the authorized State Program. EPA retains primary responsibility for requirements promulgated pursuant to HSWA since July 31, 1998.

New Jersey's authorized hazardous waste program incorporates by reference, with some minor modifications, the federal program set forth in 40 C.F.R. Parts 124, 260-266, 268 and 270. (Citations to the authorized State Program below will cite the applicable regulation of the federal program incorporated by reference, followed by the New Jersey regulation which incorporated said federal regulation by reference. All federal regulatory references are to the 1993 edition of

the C.F.R. unless otherwise noted.)

The Complainant issued a Complaint, Compliance Order and Notice of Opportunity for Hearing (the "Complaint") to Respondent on or about March 30, 2004. The Complaint alleges that Respondent violated specific provisions of RCRA and the New Jersey and/or federal regulations concerning the management of hazardous waste. Complainant and Respondent conducted settlement negotiations which led to this agreement.

Complainant and Respondent agree, by entering into this Consent Agreement and Final Order ("CA/FO"), that settlement of this matter upon the terms set forth in this CA/FO is an appropriate means of resolving this case without further litigation.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1. JCMC is a "person," as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10 (1993), as incorporated by reference by the New Jersey Administrative Code ("NJAC") 7:26G-4.1(a).
- 2. Respondent has informed EPA that the city of Jersey City is the "owner" of the facility as that term is defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
- 3. JCMC is the "operator" of the facility as that term is defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
- 4. In or about December 1995, JCMC notified EPA that it generates hazardous waste at its facility. In or about May 1996, JCMC submitted a subsequent notification to EPA stating that it generates listed and characteristic hazardous waste at its facility.

- 5. In or about January 1996, EPA issued JCMC EPA Identification Number NJR000008995 for its facility.
- 6. JCMC is a "hazardous waste" "generator" as those terms are defined in 40 C.F.R. § 260.10 (1993), as incorporated by reference by NJAC 7:26G-4.1(a).
- 7. As of at least April 2003, JCMC had not determined if certain materials generated at its facility constituted a hazardous waste.
- 8. JCMC's failure to determine if each solid waste generated at its facility constituted a hazardous waste is a violation of 40 C.F.R. § 262.11(1993), as incorporated by reference by NJAC 7:26G-6.1(a).
- 9. From at least January 1, 2000 to April 1, 2003, JCMC sent shipments of chemotherapy (Cyclophosphamide and Mitomycin) hazardous waste, U010 and U058 respectively, to an off-site treatment or disposal facility to be incinerated as medical waste.
- 10. From at least January 1, 2000 to April 1, 2003, JCMC did not prepare hazardous waste manifests for any of the shipments of U010 and U058 hazardous waste sent off-site to the treatment or disposal facility.
- 11. As of at least April 2003, JCMC had not sent any land ban notification(s) to the treatment or disposal facility receiving Respondent's U010 and U058 hazardous waste.

  Land ban notifications must set forth the generator's determination regarding whether the shipped hazardous waste meets appropriate treatment standards. Additionally, JCMC had not maintained a copy of the requisite notification(s) at its facility.
- 12. Respondent's failure to prepare hazardous waste manifests for each shipment of U010 and U058 hazardous waste sent off-site, as referenced in paragraph 10, is a violation of

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- 40 C.F.R. § 262.20(a) (1993), as incorporated by reference by NJAC 7:26G-6.1(a).
- 13. Respondent's failure to send the requisite land ban notification(s), and keep such notifications on file at its facility, as referenced in paragraph 11, constitutes violations of 40 C.F.R. § 268.7(a).

#### **CONSENT AGREEMENT**

Based on the foregoing, and pursuant to Sections 3008 of RCRA and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 C.F.R. § 22.18 (2003), it is hereby agreed by and between the parties and JCMC knowingly and voluntarily agrees as follows:

- 1. Within twenty days of the effective date of this Compliance Order, JCMC shall: a. make hazardous waste determinations regarding all solid waste generated at the facility pursuant to 40 C.F.R. § 262.11, as incorporated by reference by NJAC 7:26G-6.1(a); b. prepare a hazardous waste manifest for each shipment of hazardous waste sent off-site to a treatment, storage, or disposal facility pursuant to 40 C.F.R. § 262.20(a), as incorporated by reference by NJAC 7:26G-6.1(a)-(c);
  - c. prepare and send requisite land ban notification(s) for each hazardous waste sent offsite to a treatment, storage or disposal facility pursuant to 40 C.F.R. § 268.7; and d. otherwise comply with all applicable provisions for generators set forth or cross-referenced in 40 C.F.R. Part 262, as incorporated by reference by NJAC 7:26G-6.1(a).
- 2. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of the Complaint as applied to its facility and neither admit nor deny specific factual allegations

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contained in the Complaint.

3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of twenty five thousand dollars (\$25,000.00). The check shall be payable to the "Treasurer, United States of America." The case name and the docket number for this matter shall be referenced on the face of the check.

Such check shall be mailed to:

EPA Region 2 (Regional Hearing Clerk) P.O. Box 360188M Pittsburgh, Pennsylvania 15251

Respondent shall also send a copy of the payment instrument to each of the following:

Marianna Dominguez RCRA Compliance Branch DECA U.S. Environmental Protection Agency-Region 2 290 Broadway, 22<sup>nd</sup> Floor New York, New York 10007-1866

Amy Chester
Assistant Regional Counsel
Waste & Toxic Substances Branch
Office of Regional Counsel
U.S. Environmental Protection Agency-Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

and

Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 2
290 Broadway, 16<sup>th</sup> Floor
New York, New York 10007-1866

Payment must be received at the above address on or before 45 calendar days after the date of signature of the Final Order at the end of this document (the date by which

payment must be received shall hereinafter be referred to as the "due date").

- a. Failure to pay the civil penalty in full by the due date will result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
- b. Further, if the payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each thirty day period (or any portion thereof) following the due date in which the balance remains unpaid. A six percent (6%) per annum penalty will also be applied on any principal amount not paid within ninety (90) days of the due date.
- Payment of the penalty amount and compliance with the tasks and terms of this CA/FO are in full settlement of all civil liabilities that might have attached as a result of the allegations in the civil administrative Complaint brought against Respondent in this case, **Docket No. RCRA-02-2004-7107.**
- d. The civil penalties provided for herein are penalties within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal, state or local law.
- This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint. Respondent has read the Consent Agreement,

1

understands its terms, finds it to be reasonable and consents to its issuance and its terms.

Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all settlement terms are set forth herein. Respondent explicitly and knowingly consents to the assessment of the civil penalty that comes due as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

- 5. Respondent explicitly waives its rights to request or to seek a Hearing on the Complaint or on any of the allegations therein asserted, on this Consent Agreement, or on the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.
- Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.
- 7. This CA/FO does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the Act and the regulations implementing it, nor shall it be construed as the issuance of a permit or a ruling on, or determination of, any issues related to any federal, state or local law, regulation or permit.
- 8. Nothing in this CA/FO shall be deemed to limit EPA's authority to perform inspections or initiate appropriate actions pursuant to any of its statutory or regulatory authorities.
- 9. Each party shall bear its own costs and fees in this matter.

- Respondent certifies that he or she is duly and fully authorized to enter into and ratify 10. this Consent Agreement and all the terms and conditions set forth in this Consent Agreement. The provisions of this Consent Agreement shall be binding upon Respondent, its officials including staff, authorized representatives and successors or assigns.
- 11. Respondent consents to service upon Respondent of a copy of this CA/FO by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

Jersey City Medical Center

BY:

James B. Hobbe III, James & Hogh III

NAME: JAMES B 170665 III

VPOFFALLIES & CONSTAUTION

DATE:

COMPLAINANT:

BY:

United States Environmental Protection

Agency - Region 2

TITLE:

Dore LaPosta, Director

Division of Enforcement &

Compliance Assistance

DATE:

#### **FINAL ORDER**

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order pursuant to Section 3008 of the Act and 40

C.F.R. § 22.18(b)(3). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York.

Vane M. Kenny Regional Administrator EPA-Region 2

DATE:

#### CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Consent Agreement and Final Order, bearing Docket Number RCRA-02-2004-7107, by certified mail, return receipt requested, to Mr. James Bernhardt Hogle III, Vice President, Facilities & Construction, Jersey City Medical Center, 50 Baldwin Avenue, Surgical Building-5th Floor, Jersey City, New Jersey 07304. I hand-carried the original and a copy of the foregoing Consent Agreement and Final Order to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

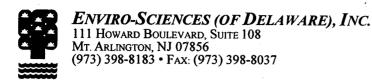
Dated: <u>July 29, 2004</u>

New York, New York

Doris Ahearn, Secretary

## **EXECUTIVE CORRESPONDENCE**

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Via Facsimile and UPS Ground Service

June 2, 2005

Mr. Anthony Gammaro Industrial Supervisor Passaic Valley Sewerage Commissioners 600 Wilson Avenue Newark, NJ 07105

Re:

**SEWER USE APPLICATION** 

Jersey City Medical Center

355 Grand Avenue Jersey City, NJ 07302

Dear Mr. Gammaro:

INDUSTRIAL 81100_	811508	1200
	JUN 3 2005	
81250	82050	82100

Enclosed please find the completed Sewer Use Application for the referenced facility. You have previously received under separated cover, the required \$750 application fee and the Supplemental Sewer Use Application (attached). We have enclosed a Draft Plot Plan locating the sewer discharge point. Please note that this plan is being re-drafted to include less detail. As noted in the application, we will be conducting the required sampling and laboratory analyses of samples obtained from the discharge point manhole and will have results to you by July 15, 2005. An original signature page will be provided to you with the revised site plan and analytical data summary and supporting documentation.

We thank you for your assistance with this project. If you have any questions, please call me at your earliest convenience.

Very truly yours,

Enviro-Sciences (of Delaware), Inc.

Joseph W. Pilewski Vice President

JWP/jw

Enclosures

cc: George Doumar, JCMC Robert Lawrence, ESI